

Notice of Allowability

Application No.

09/888,261

Examiner

Ayal I. Sharon

Applicant(s)

NIKOLSKIY ET AL.

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 10/4/07.
2. ☒ The allowed claim(s) is/are 1-15, and 17-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Introduction

1. Claims 1-15 and 17-20 of U.S. Application 09/888,261, originally filed on 6/21/2001 are currently pending.

Examiner's Statement of Reasons for Allowance

2. Claims 1-15 and 17-20 are allowed.
3. The following is an examiner's statement of reasons for allowance for claims 1-15 and 17-20.
4. The prior art referred to in this Reasons for Allowance is as follows:
 - a. U.S. Patent 5,975,893 to Chishti et al. ("**Chishti**").
 - b. Watt et al., Advanced Animation and Rendering Techniques, © 1992, pp. 101-110. ("**Watt**").
 - c. Yamani, S.M. et al. "A System for Human Jaw Modeling Using Intra-Oral Images". Proc. of the 20th Annual Conf. of the IEE Eng'g in Medicine and Biology Society. Nov. 1, 1998. Vol.2, pp.563-566. ("**Yamani**").
 - d. Bourke, Paul. "Coordinate System Transformation". June 1996. ("**Bourke**").
5. Independent claim 1 is allowable because of Applicants' persuasive arguments that (see p.6 of the amendment filed on 10/4/07) "Chishti teaches just the

opposite [of the claimed invention] in teaching an embodiment including removal of data to generate a lower resolution image for improving manageability of data transmission”, and also that “Watt merely provides generic teachings regarding surface fitting/rendering techniques, in general, but Watt ... is silent about application of these generically described techniques in dental/orthodontics or in creating a representation of a patient's teeth ...”

6. Since the primary reference teaches away from the surface fitting/rendering techniques, and the secondary reference makes no mention of applying its teachings to the field of use of the primary reference, Examiner agrees with the applicant that a motivation to combine the two references is not present in the references themselves. Moreover, based on the references in the record, it does not appear that the use of the claimed surface fitting/rendering techniques (which are described in the specification) were used in dental/orthodontics or in creating a representation of a patient's teeth prior to the date of the claimed invention.
7. The other two references, Yamani and Bourke, do not remedy this deficiency.
8. Dependent claims 2-15 and 17-20 are allowable because they depend from allowable independent claim 1.
9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ayal I. Sharon whose telephone number is (571) 272-3714. The examiner can normally be reached on Monday through Thursday, and the first Friday of a biweek, 8:30 am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached at (571) 272-3753.

Any response to this office action should be faxed to (571) 273-8300, or mailed to:

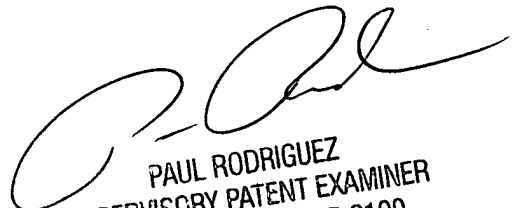
USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

or hand carried to:

USPTO
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2100 Receptionist, whose telephone number is (571) 272-2100.

Ayal I. Sharon
Art Unit 2123
December 16, 2007


PAUL RODRIGUEZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100